ACTS

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PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE

YEARS 1889 AND 1890.

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BOMBAY ACT No. I OF 1889.

The Bombay Village Sanitation Act, 1889.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 23rd May 1890.)

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BOMBAY ACT No. I OF 1889.

The Bombay Village Sanitation Act, 1889.

WHEREAS, for the purpose of improving the sanitary condition of villages in the presidency of Bombay, it is expedient to provide for the constitution of sanitary committees and boards having authority over such villages; It is enacted as follows:

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as "The Bombay Village Sanitation Act, 1889."

Extent.

2. It is applicable to the whole of the presidency of Bombay, except the city of Bombay, Aden and its dependencies, Perim, and the scheduled district of the Mehwási Chiefs' villages, as defined in the Scheduled Districts Act, 1874. XIV of 1874.

Repeal of enactments.

3. During such time as Part II or Part III and the rules made thereunder shall be in force in any village, the enactments mentioned in the schedule shall, to the extent specified in the third column of the schedule, cease to have any operation in the said village.

Definitions.

4. In this Act, unless there be something repugnant in the subject or context:

"village;" Bo. Act V of 1879.

(*a*) "village" means the site of a village or town, determined for the time being as under section 126 of the Bombay Land Revenue Code, 1879, together with the area included within a distance of a quarter of a mile from any part of such site, in so far as such site or area is not included within a permanent municipal district or a military cantonment;

"prescribed,"

(*b*) "prescribed" means prescribed by a rule made under this Act;

(*c*)

"chávdi." (*c*) "chávdi" means, in any village in which there is no chávdi, such place as the Collector directs shall be deemed to be the chávdi for the purposes of this Act.

Operation of Parts II, III and IV. 5. (1) Part II shall come into force in any village to which the Collector extends the same, under the power hereinafter conferred upon him in this behalf, from such date as the Collector shall direct, and shall continue in force, when so extended, until the Governor in Council directs by notification in the *Bombay Government Gazette* that it shall cease to have operation in such village, or extends Part III to such village.

(2) Part III shall come into force in any village to which the Governor in Council extends the same, under the power hereinafter conferred upon him in this behalf, from such date as is directed in this behalf by the Governor in Council, and shall continue in force, when so extended, until the Governor in Council directs by notification in the *Bombay Government Gazette* that it shall cease to have operation in such village.

(3) Part IV shall have operation, as far as its provisions apply, in and in respect of every village in which either Part II or Part III is in force.

Part II how to be extended to a village. 6. (1) Subject to the control of the Commissioner and of Government, the Collector may at any time extend Part II to any village in his district in which Part III is not in force.

(2) For the purpose of extending Part II to any such village, the Collector shall cause to be published, by posting up copies thereof in conspicuous places in his own office and in the office of the Mámlatdár and of the Mahálkari within whose táluka or mahál the said village is situate and in the chávdi or some other public building in the said village, a proclamation in the language of the district directing that, unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation,

proclamation, which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(3) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately, he may, by proclamation published as aforesaid:

(*a*) cancel his previous proclamation; or

(*b*) suspend the extension of Part II to the said village for a specified period.

(4) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid:

(*c*) at any time abandon the proposed extension; or

(*d*) from time to time defer the extension for a further specified period.

Part III how to be extended to a village.

7. (1) The Governor in Council may at any time extend Part III to any village in any part of the presidency to which this Act is applicable, whether Part II is at the time in force in such village or not. Such extension to a village where Part II is in force, shall cause Part II to cease to operate therein.

(2) For the purpose of extending Part III to any such village, the Governor in Council shall, by notification in the *Bombay Government Gazette*, direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to a Secretary to Government, or to the

the Collector not later than one month before the said specified date, be received and considered.

(3) If, after considering any objections which may have been made as aforesaid, Government shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, it may, by notification in the *Bombay Government Gazette*, exercise the like powers with respect to the extension of the said Part as the Collector is authorized to exercise, with respect to Part II by sub-sections (3) and (4) of section 6.

(4) Translations in the language of the district of every notification issued by Government under this section shall be published by the Collector, without delay, in the manner prescribed in sub-section (2) of section 6 for the publication of a proclamation issued by himself.

PART II.

SANITARY COMMITTEES.

Each village to have a Sanitary Committee.

8. (1) There shall be a Sanitary Committee in every village to which this Part is extended. The said committee shall consist of three or more adult householders, residents of the village, chosen, with their own consent, by the Collector, of whom the Police Patel shall be one, unless the Collector for reasons recorded in writing in any particular case determines otherwise. For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient.

(2) The chairman of the said committee shall be nominated by the Collector.

(3) The chairman and other members of the committee shall hold office for the prescribed period.

Record of committee's proceedings.

9. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules

rules are made under section 11, in such manner as the Collector by written order directs), by the village accountant or such other person as the Collector appoints in this behalf, and in the absence of the village accountant or person so appointed, by such other person as the committee may employ for this purpose; and the said record shall be verified by the signature of the chairman or of some other member of the committee authorized by the committee in that behalf, below each day's proceedings.

Magistrates having jurisdiction in the village may take part in committee's proceedings.

10. Every Magistrate having jurisdiction in the village may take part in the proceedings of the committee at any meeting thereof at which he is present, and such Magistrate or if there be more than one, the highest in magisterial rank of such Magistrates, shall for this purpose be deemed to be a member and President of the committee for the occasion.

Sanitary Committee to make village rules.

11. The Sanitary Committee may from time to time make rules, and repeal or vary the same, with the approval of the Collector:

(*a*) for regulating the terms of office of its members and its proceedings;

(*b*) for determining the manner in which its proceedings shall be recorded;

(*c*) for procuring and preserving for the use of the village an adequate supply of pure potable water;

(*d*) for the cleansing of the streets and open spaces of the village;

(*e*) for preventing accumulations of offensive and noxious matter in the village;

(*f*) for preventing nuisances and indecent or insanitary acts or omissions in the village; and

(*g*) generally for giving effect in the village to the purposes of this Act.

Provisions concerning the making of rules.

12. (1) For not less than three months before any rule which it is proposed to make under section 11 is to come into force, the committee shall exhibit a copy thereof at the chávdi or some other public building

building in the village and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for their coming into force—which date shall be specified—will be received and considered.

(2) Any objections so made shall be considered by the Collector, in conference with the committee. If, on such consideration, it shall seem desirable to alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid, which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period, will be received and considered. Any objection so made shall be considered as aforesaid and if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

(3) Subject to the provisions of sub-section (2), every rule made by the committee, with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

Prosecution of offenders against the rules.

13. Whenever it shall come to the notice or knowledge of the Sanitary Committee that any person in the village has apparently committed or is accused of having committed a breach of any rule made by the committee under section 11, such committee may, by notice in writing, require such person's attendance before the committee.

Cognizance by the committee of offences against the rules.

14. (1) All offences against the rules made by the committee under section 11 shall be cognizable by the committee.

(2) For the purpose of exercising this jurisdiction, the committee shall assemble as often as shall be necessary or as the Magistrate of the District shall direct at the chávdi or some other convenient place within the village or near thereto.

(3)

(3) The committee shall in the presence of the accused person, or if notwithstanding the service of a notice upon the said person as aforesaid he fails to appear, then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorized by this Act or by the rules as it thinks reasonable.

Appeals against the committee's decisions.

15. (1) A person convicted by the committee may, at any time within ten days after sentence is passed against him, appeal to the Magistrate of the District or other Magistrate vested under the Code of Criminal Procedure with appellate jurisdiction over the place where the sentence is passed, or to such other Magistrate, not being a member of such committee, as the Magistrate of the District may, subject to the orders of Government from time to time, appoint in this behalf.

(2) If such person gives notice of his intention to appeal and deposits with an officer appointed by the Magistrate of the District in this behalf the amount of the fine inflicted upon him, execution of the sentence shall be suspended until the lapse of ten days from the date of the sentence, or, if an appeal is made, until it is disposed of. If within ten days no appeal is made, the sum deposited shall be appropriated to payment of the fine inflicted.

(3) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

(4) The said Magistrate may suspend execution of the sentence pending disposal of the appeal when such suspension shall appear to him necessary or expedient, on such terms as shall seem reasonable

Sanitary Committee may authorize expenditure for necessary works or measures.

16. For the purpose of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offensive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village, the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village and the services of village servants placed at its command under section 42; and when these means are insufficient, may from time to time, with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorize the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid.

Voluntary subscriptions may be raised for such works or measures.

17. The inhabitants of the village may by voluntary subscription raise any sum of money for any of the purposes aforesaid and such sum may be paid to the Mámlatdár or other officer appointed by the Collector in that behalf and shall by him be placed to the credit of an account which he shall keep in the name of the Sanitary Committee, for the defrayal of charges incurred under this Act for the purpose for which the subscription was raised.

Necessary moneys for expenditure may be raised by a rate on the inhabitants.

18. (1) If any sum of money of which the expenditure is authorized by the committee is not raised by voluntary subscription and is not available from any other source, the same may be recovered by a rate charged on the inhabitants of the village and assessed by the Collector, in conference with the Sanitary Committee.

(2) Provided that the aggregate amount to be so charged in any year, on the inhabitants of any village, shall not exceed one-half of the aggregate amount leviable in that year as Local Fund Cess from the inhabitants of such village.

(3) It shall be lawful for the Sanitary Committee, out of any unappropriated balance of money standing to its credit under the provisions hereinafter enacted, to

to make such contribution on such terms as it shall deem expedient, to the cost of any work under construction by a Local Board, in fulfilment of the duties imposed on it by section 30, clauses (*e*), (*e*) and (*f*) of Bombay Act I of 1884.

PART III.

SANITARY BOARDS.

Constitution of Sanitary Boards.

19. (1) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as Government may direct. Each such board shall consist of such number of persons appointed by the Collector as Government directs, the said persons being residents within or near to the area which is to be subject to the board's authority and having property therein, and shall ordinarily include the Police Patels. For the purpose of aiding him in his choice, the Collector may in his discretion obtain the nomination or election of qualified persons from amongst whom he will select all or some of the members, according to such mode and local distribution, as shall seem expedient.

(2) Each meeting of such board shall be presided over by the magistrate of highest rank present thereat who is a member, or, in the absence of any such magistrate, by such member as the Collector, subject to the orders of Government, appoints to be the president of the board. In the absence of any magistrate and of the president, a meeting of the board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(3) The president and members of the board shall hold office for the prescribed period.

Sanitary Board may make rules

20. The Sanitary Board may from time to time make rules, with the approval of the Collector, and, save as hereinafter provided, shall discharge functions and exercise authority for the area subject to its authority

authority in respect of the same matters, in the same manner, and subject to like provisions, restrictions and conditions as are hereinbefore enacted in the case of a sanitary committee.

Appointment of Sanitary Inspector and other officers.

21. (1) The Collector may, subject to the orders of Government, from time to time appoint a Sanitary Inspector for any area or any part of the area subject to the authority of a sanitary board, and also such other subordinates as shall appear necessary, and determine the amount of salary to be paid to each of such officers. He may also dismiss or suspend the said officers.

(2) Such Sanitary Inspector may be a person employed by the Táluka or District Local Board having authority at the place. He may be employed by or on behalf of two or more Sanitary Boards.

Duties of the Sanitary Inspector.

22. (1) The Sanitary Inspector shall take measures for preventing breaches of the rules in force in the area for which he is appointed, by, from time to time :

(*a*) posting up and otherwise publishing a general admonition respecting the observance of the said rules ; or

(*b*) admonishing any person whom he finds offending against any of the said rules ; or

(*c*) summoning to appear before the Sanitary Board any person who, from his own observation or from reports made to him by his subordinates, he has reason to think should be prosecuted for offending against any of the said rules.

(2) The Sanitary Inspector shall make such reports and be in such relation to the Sanitary Commissioner, consistent with the duties and obligations imposed on him by this Act or arising out of his position as a servant of a Local or Sanitary Board, as Government may prescribe.

Prosecutions for breaches of rules at

23. The board may also by notice in writing require the attendance before the board of any person who is accused of having committed, or who, to the knowledge

knowledge of the board, has apparently committed, a breach of any rule made by the board under section 20. instance of the Board.

24. (1) All offences against the rules made by the board under section 20 shall be cognizable by the board, who, for the purpose of exercising this jurisdiction, shall assemble as often as shall be necessary or as the Magistrate of the District shall direct, at some convenient place within or near to the area subject to its authority. Cognizance by the Board of offences against the rules.

(2) The provisions of sub-section (3) of section 14 and of section 15 shall apply, as nearly as may be, to the hearing and decision of cases under this section by a sanitary board and to appeals by persons convicted by such board.

25. (1) The orders of every sanitary board shall be carried out and its orders and proceedings shall be recorded in the prescribed manner and preserved by such member of the board or by such officer of the board or by such other officer, as the Collector may from time to time nominate in this behalf. Sanitary Board's orders by whom to be carried out.

(2) The person authorised in this behalf shall be bound to keep a true record of the board's proceedings and orders, under his signature, and truly to prepare all summonses, notices and orders issuing by direction of the board or of any member thereof in accordance with this Act or with rules made under section 20.

26. A Sanitary Board may, with the approval of the Collector, contract with any person: Sanitary Board may enter into certain contracts.

(*a*) for the daily surface-cleansing of the streets and public spaces within the area or any portion of the area subject to its authority, so far as the same cannot be effected by means of the village servants, if any, whose services are placed at its command under section 42; or

(*b*) for the removal from the said area of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and any offensive or noxious matter.

27.

Works and buildings which may be provided by a Sanitary Board.

27. Every sanitary board may, with the approval of the Collector, cause to be constructed such works and buildings as shall be necessary for providing for the area subject to its authority or any part thereof:

(*a*) an adequate supply of water;

(*b*) proper and convenient places for the temporary deposit or final disposal of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and other offensive or noxious matter;

(*c*) means for conveying away or removing the several matters and things specified in clause (*b*).

Voluntary subscription may be raised to meet a Sanitary Board's expenditure.

28. The inhabitants of the area or of any part of the area subject to the authority of a sanitary board may by voluntary subscription raise any sum of money for any purpose for which the board may incur expenditure and such sum may be paid to the Mámlatdár or other officer appointed by the Collector under section 30, and shall by him be placed to the credit of the board for expenditure within the area in which and on the purpose for which the subscription was raised.

Purposes for which expenditure is to be incurred by Sanitary Board.

29. Every sanitary board shall be bound to provide for, or authorize the expenditure necessary for:

(*a*) paying the salaries of the Sanitary Inspector and other officers, if any, appointed under section 21; and

(*b*) providing stationery and other requisites for the use of the board and of the said Sanitary Inspector and other officers, if any; and

(*c*) fulfilling any contract entered into by it under section 26; and

(*d*) constructing necessary works and buildings under section 27.

Sanitary Board's ways and means.

30. (1) A debit and credit account shall be kept by the Mámlatdár or other officer appointed by the Collector in that behalf in the name of each sanitary board. To the debit of such account shall be placed all expenditure authorizedly incurred under section 29.

tion 29. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the board's expenditure and the net proceeds of any rate assessed as hereinafter provided.

(2) For the purpose of raising money for expenditure by a sanitary board under this Act, the Collector may, subject to the same limit as is by section 18 (2) provided in respect of rates charged under section 18 (1), from time to time, in conference with such board, charge and assess a rate on the inhabitants of the area or of any part of the area subject to the board's authority.

(3) The burden of any rate charged under subsection (2) shall be distributed over the several parts of the area subject to the board's authority in such proportions as the Collector, in conference with the board, directs, or, if the Collector, in conference with the board, so determines, shall be placed wholly on one or more such parts.

PART IV.

GENERAL PROVISIONS.

Certain Government Officers to advise Sanitary Committees and Boards.

31. The Executive Engineer of the district and any subordinate of the Executive Engineer, of the Sanitary Commissioner or of a Local Board, having authority at the place, whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee or Board, such rights and duties as are assigned to certain officers in relation to Local Boards by the first paragraph of section 33 of Bombay Act I of 1884.

Removal from office of members, &c., of sanitary committees and boards.

32. The Collector may, after recording his reasons for the same, remove from office any member or chairman of a sanitary committee and, with the sanction of Government, any member, or president of a sanitary board, who appears to be incompetent or who has been guilty of any misconduct or neglect of

of duty which appears to render his removal expedient.

Filling up of vacancies.

33. (1) Whenever for any reason a vacancy occurs or is about to occur in the office of a member, or chairman of a sanitary committee or of a member or president of a sanitary board, the Collector shall without delay appoint a person to fill such vacancy.

(2) During any such vacancy the continuing members of a sanitary committee or board may act as if no vacancy had occurred.

Questions to be decided by majorities.

34. Every question which comes before a sanitary committee or board for decision, shall be decided by a majority of votes of the members present and voting at a prescribed meeting of such committee or board or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote, when there is an equality of votes.

Signing of summonses, &c.

35. Summonses, notices and orders issued by a sanitary committee or board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board.

Punishment for breach of rules made under this Act.

36. A breach of any rule made by a sanitary committee or board under this Act in respect of any matter other than the matters specified in clauses (*a*) and (*b*) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees and in default, with confinement in the chávdi for a period which may extend to forty-eight hours and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from the sanitary inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid.

37.

Order for levy of fines.

37. (1) A sanitary committee or board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine, on such terms as to security as it shall seem to the committee or board necessary to impose.

(2) Whenever default is made in the payment of a fine, the sanitary committee or board, which passed the sentence or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined.

Levy of fines and rates.

38. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the sanitary committee or board, with the Collector's sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exceptions as are enacted in the Code of Civil Procedure in respect of the sale of moveable property in execution of decrees. XIV of 1882.

Net proceeds of fines to be credited to account of committee or board having authority over the villages in which offences are committed.

39. All fines levied in respect of breaches of rules made under this Act shall, after deducting the expenses, if any, of prosecuting the offenders, be paid to the Mámlatdár or other officer appointed by the Collector under section 17 or 30 and shall by him be placed to the credit of the account of the sanitary committee or board having authority over the village in which the breach was committed, for expenditure on any purpose contemplated by this Act.

Contributions and loans from local boards.

40. (1) Any district or táluka local board may from time to time assign, by way of donation or loan, to the sanitary committee or board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated

templated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

(2) Any sum so assigned shall be paid to the Mámlatdár or other officer appointed by the Collector under section 17 or 30 and shall by him be placed to the credit of the account of the sanitary committee or board to which it is assigned.

(3) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed by the Collector, in conference with the sanitary committee or board, upon the inhabitants of the area subject to the authority of such committee or board.

Execution of works in which two or more sanitary committees or boards are jointly interested.

41. (1) Works for the supply of water or for the drainage of two or more villages subject to the authority of different sanitary committees or boards and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such committees and boards or by a majority of them, be executed by or under the direction of the Collector or of such other officer as Government appoints in this behalf.

Recovery of cost of such works.

(2) The cost of any such work or measure shall be divided between the several committees and boards in such proportions as shall be agreed upon by them, or in default of such agreement, as the Collector shall determine; and shall be recoverable in the said proportions by a rate charged and assessed by the Collector, in conference with each committee and board, upon the inhabitants of the areas subject respectively to the said committee's and board's authority: Subject to the same limit as is provided by section 18, clause (2) in respect of rates charged under section 18, clause (1).

(3)

(3) Where any work undertaken or proposed by a committee or board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Táluka Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid, and it shall thereupon be the duty of the District or Táluka Local Board to make reasonable provision within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board, such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid,

Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board.

(4) For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Táluka or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.

Local Boards may call for information in such cases.

42. Village servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of Government, under the command and superintendence of the sanitary committee or board having authority in the place in respect of which the said services are due and shall be bound to fulfil all reasonable orders of the said committee or board under such reasonable penalties as may be provided in any rule made under this Act.

Certain village servants to be placed under command of sanitary committee or board.

43. (1) The Collector shall :

(*a*)

Determination and recovery of dues of village servants placed under command of sanitary committee or board.

(*a*) determine all questions as to the amount of any payment at any time by custom or under any settlement mentioned in section 18, 19 or 20 of the Bombay Hereditary Offices Act due to a village servant placed under the command of a sanitary committee or board under the last preceding section; and

(*b*) if necessary, cause the amount which he determines to be due or the money value thereof at the market-rate of the time being, if the due is payable in kind, to be recovered on behalf of the village servant entitled thereto, free of charge, as if the same were an arrear of land-revenue :—

(2) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant.

Collector's functions under this Act may be delegated.

44. Any power conferred or duty imposed by this Act upon the Collector may, with the sanction of Government, be delegated by him to an Assistant or Deputy Collector.

Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.

45. In the discharge of the duties and the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Indemnity of persons acting in good faith under this Act.

46. (1) No Magistrate, Collector, president, or member of a sanitary committee or board, or sanitary inspector shall be liable to any penalty or to payment of damages for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

(2) And no public servant or person duly authorized or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued,

issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

SCHEDULE.

(*See Section 3.*)

No. and year of enactment.	Subject or title.	Extent of repeal.
Bo. Act VII of 1867...	The Bombay District Police Act, 1867.	Sections 33 and 34.
Bo. Act VIII of 1867 .	The Bombay Village Police Act, 1867.	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. I OF 1890.

An Act to amend the Prevention of Gambling Act (Bombay IV of 1887).

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 27th May 1890.)

WHEREAS it is expedient to amend the Bombay Prevention of Gambling Act, 1887; it is enacted as follows:—

1. In Section 3 of the said Act the following definitions shall be inserted before the definition of "common gaming house":

In this Act the word "gaming," whenever it occurs, shall include wagering. "Gaming to include wagering."

In this Act the expression "instruments of gaming" includes any article used as a subject or means of gaming. "Instruments of gaming" defined.

B 239 [*Price—3 Pies.*]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Bombay Act No. II of 1890.

An Act to consolidate and amend the Law relating to Salt and the Salt-revenue throughout the Presidency of Bombay.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 9th July 1890.)

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[*Price—Two Annas.*]

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Bombay Act No. II of 1890.

An Act to consolidate and amend the law relating to Salt and the Salt-revenue throughout the Presidency of Bombay.

WHEREAS, it is expedient to amend the Bombay Salt Act, 1873, and to enact a consolidated salt law for the whole of the Bombay presidency; It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (1) This Act may be cited as "The Bombay Salt Act, 1890."

Extent.

(2) It extends to the whole of the presidency of Bombay; but it shall not come into force in Sind till such date as the Governor of Bombay in Council, by notification in the *Bombay Government Gazette*, fixes in this behalf.

Commencement in Sind.

Bo. VII of 1873. Repeal of enactments.

2. (1) The Bombay Salt Act, 1873, and Bombay Act V of 1882 (*an Act to amend the Bombay Salt Act of 1873*) are repealed:

(2) Provided that:

(*a*) all rules and appointments made, licenses and permits granted, notifications published and powers conferred under either of the said enactments and now in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, granted, published and conferred hereunder;

(*b*) the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred, before this Act comes into force.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context:

(*a*) "Commissioner"

"Commissioner;"

(*a*) "Commissioner" means a Commissioner of Salt-revenue;

"Collector," "Deputy" and "Assistant Collector;"

(*b*) "Collector," "Deputy" and "Assistant Collector" mean, respectively, a Collector or a Deputy or Assistant Collector of Salt-revenue;

"Salt-revenue officer;"

(*c*) "salt-revenue officer" means an officer of the Salt Department and includes any other person, whether a Government officer or not, invested under section 10 with any power under this Act;

"natural salt;"

(*d*) "natural salt" means salt spontaneously produced, natural saline deposits and efflorescence;

"salt;"

(*e*) "salt" includes natural salt;

"salt-earth;"

(*f*) "salt-earth" means earth naturally impregnated with salt, or with which salt is mixed;

"manufacture;"

(*g*) "manufacture" includes every process by which salt is separated from brine or earth or any other liquid or substance, and also every process for the purification or refinement of salt;

"salt-work;"

(*h*) "salt-work" includes:

(*i*) a place used or intended to be used for the manufacture of salt and all embankments, reservoirs, condensing and evaporating pans, buildings and waste places situated within the limits of the same;

(*ii*) all drying grounds and storage platforms and store-houses appertaining to any such place; and

(*iii*) land on which salt is spontaneously produced;

"private salt-work;"

(*k*) a "private salt-work" is one not solely owned or not solely worked by Government;

"licensee of a salt-work;"

(*l*) "licensee of a salt-work" means a person licensed to manufacture, excavate or collect salt at, or to remove salt from, a salt-work;

"contraband salt;"

(*m*) "contraband salt" means salt or salt-earth manufactured, excavated, collected, packed, stored, landed, transported or removed from a salt-work or from a Government warehouse or store, or had in possession, in contravention:

(*i*) of

(*i*) of this Act, or of any other enactment relating to the salt-revenue at the time being in force; or

(*ii*) of any rule or order made under this Act or under any other such enactment as aforesaid; or

(*iii*) of any license or permit issued under this Act, or under any other such enactment as aforesaid;

(*n*) "maund" means an Indian maund of 82⅔ pounds avoirdupois weight; "maund;"

(*o*) "possession" or "removal" of salt or salt-earth by a servant or agent of any person, on that person's account, shall be deemed to be possession or removal thereof by such person. "possession"; "removal."

CHAPTER II.

ESTABLISHMENT AND CONTROL.

4. (1) Subject to the general control of the Governor-General in Council, the Governor in Council may, from time to time, appoint, either by name or by virtue of their office, so many persons as he thinks fit to be officers of the Salt Department. Power for Governor in Council to appoint superior officers of the Salt Department.

(2) The said officers shall be appointed under the designations of—

(*a*) Commissioner of Salt-revenue;
(*b*) Collector of Salt-revenue;
(*c*) Deputy Collector of Salt-revenue;
(*d*) Assistant Collector of Salt-revenue;

and such other designations, if any, as the Governor in Council thinks fit.

(3) Each such officer shall be appointed for such local area as the Governor in Council from time to time defines in this behalf.

(4) The Governor in Council may suspend, remove, dismiss, or accept the resignation of, any person appointed under this section.

(5) The

(5) The Governor in Council may at any time withdraw from any officer any of the powers or duties which are or which may be conferred or imposed by or under this Act.

Collectors charged with carrying out this Act.

5. (1) Subject to the control and direction of the Commissioners to whom they are respectively subordinate and to the orders of Government, the Collectors are charged with the collection of salt-revenue and with the carrying out of the provisions of this Act within the local areas for which they are respectively appointed:

Proviso.

(2) Provided that it shall be competent to the Governor in Council, by an order published in the *Bombay Government Gazette* whenever and for so long as he shall deem fit, to keep the office of Commissioner of Salt-revenue in any part of the presidency in abeyance and to empower the Collectors in such part, during the time that the said office is so held in abeyance, to exercise the powers and perform the duties of Commissioner within the local areas for which they are respectively appointed and their proceedings and orders shall, in that case, be subject to the immediate control of Government.

Power of Commissioners:

6. Subject to such orders as may from time to time be passed by Government in this behalf, the Commissioners may:

to appoint subordinate officers of the Salt Department, and

(*a*) appoint such subordinate officers of the Salt Department, with such designations as they deem fit;

to punish them for misconduct.

(*b*) at any time, after inquiry recorded in writing, fine, dismiss, suspend or reduce any officer so appointed, for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

Delegation of powers by Commis-

7. The powers conferred on Commissioners by the last preceding section may be delegated by any Commissioner, in whole or in part, to any Collector or

or Deputy or Assistant Collector, and any such delegation may be at any time cancelled by the Commissioner. sioners to Collectors, &c.

8. All officers of the Salt Department shall be deemed to be Revenue officers within the meaning and for the purposes of Chapter III of the Bombay Land Revenue Code, 1879, and all the provisions of the said Chapter relating to Revenue officers and their sureties shall be applicable respectively to officers of the Salt Department and their sureties. Provided that, all the powers conferred and duties imposed by the said Chapter on the Collector or the Superintendent of Survey, shall, in respect of officers of the Salt Department and their sureties, be exercised and performed by the Collectors of Salt Revenue only. Provisions of Chapter III, Bombay Land Revenue Code, 1879, to apply to Salt officers and their sureties. Bo. V of 1879.

9. Until appointments are made in Sind under sections 4 and 6, the officers who, on the day previous to the date on which this Act comes into force in that province, hold any office in virtue of which they exercise powers or perform duties in connection with the collection or protection of the salt-revenue in that province, shall be deemed to have been appointed and shall continue to hold the same offices, respectively, under this Act. Continuance of existing officers in Sind.

10. (1) The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, invest: Conferment of powers under this Act.

(*a*) any officer of the Salt Department, either personally or in virtue of his office; or

(*b*) any Government officer of any other department, either personally or in virtue of his office; or

(*c*) any other person;

with all or any of the powers described or contemplated in sections 28, 38, 39, 42 and 44.

(2) The Governor in Council may delegate the power vested in him by this section, either wholly or partly, to a Commissioner, subject to such limitations or conditions as Government may by any order prescribe.

CHAPTER III.

CHAPTER III.

MANUFACTURE, EXCAVATION AND COLLECTION OF SALT AND SALT-EARTH.

Manufacture, &c., of salt prohibited except under a license.

11. No salt shall be manufactured and no natural salt and, except under the provisions of section 14, no salt-earth shall be excavated or collected or removed, otherwise than by the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf.

Licenses to be granted by the Collector.

12. The Collector shall, on application, grant a license for the manufacture, excavation, collection or removal of salt, to any person entitled to the same under section 16 or section 17, and may, in his discretion, grant licenses for any of the said purposes or for the excavation, collection or removal of salt-earth to any other persons.

Licenses what to contain.

13. (1) Each such license shall specify:

(*a*) the name of the person to whom it is granted;

(*b*) the limits within which the manufacture, excavation or collection under it is to be carried on; and

(*c*) the place where the salt or salt-earth so manufactured, excavated, collected or removed is to be stored;

and shall be in such form and contain such conditions as the Commissioner, subject to the directions of Government, from time to time prescribes.

(2) The Collector may, at any time, call for any such license and alter or amend it in accordance with the conditions so prescribed.

(3) A register of licenses granted under this section shall be kept in the office of the Collector.

Power for Government to make rules for permitting excavation, collection and removal of salt-earth, without a license from the Collector,

14. The Governor in Council may, from time to time, make rules for permitting the excavation, collection or removal, by any person or class of persons, in any local area or place defined in such notification,

and may in such rules frame such provisions as he shall deem fit for limiting and regulating such excavation, collection or removal and prescribe the uses to which salt-earth so obtained may be put. lection or removal of salt-earth without a license.

15. Every village officer shall communicate to a salt-revenue officer or to a Magistrate, or to an officer in charge of a police-station, within three days after the same shall come to his knowledge, any information which he may obtain of the manufacture, excavation, collection or removal of salt or salt-earth without a license or of any new formation of natural salt in or near his village. Village officers bound to report illicit manufacture of salt, &c.

CHAPTER IV.

PRIVATE SALT-WORKS.

Proprietors entitled to manufacturing licenses.

16. The proprietor of a private salt work who has by virtue of a sanad granted by the British or any former Government, a special and permanent right to manufacture salt, or to excavate or collect natural salt, shall, unless his salt-work is suppressed under section 24 of this Act or has been suppressed under section 33 of the Bombay Salt Act, 1873, be entitled, on application, to a license for such purpose. Special and permanent rights of manufacturing salt to be recognized. Bo. VII of 1873.

17. (1) Except as is hereinafter otherwise provided, every proprietor of a private salt-work, to which section 16 does not apply and which is being lawfully worked at the time when this Act comes into force, or which was lawfully worked at any time within three years next before the date on which this Act comes into force, shall, unless his salt-work is suppressed under section 24 of this Act or has been suppressed under section 33 of the Bombay Salt Act, 1873, be entitled, on application, to a license to manufacture salt or to excavate or collect natural salt at such work: Rights of ordinary proprietors of existing salt-works. Bo. VII of 1873.

(2) Provided

(2) Provided that the Collector may at any time withdraw or withhold a license from the proprietor of any salt-work to which section 16 does not apply, if no salt shall have been manufactured, excavated or collected in such salt-work for the three years ending on the thirtieth day of June last preceding the date of his order or, with the previous sanction of the Governor in Council, if such salt-work shall not have produced, on an average, during the said three years, at least five thousand maunds of salt per annum.

Control of Works.

Chaukis and preventive stations may be established by the Collector in or near salt-works

18. (1) The Collector may, for the purposes of this Act, cause chaukis to be erected in such places as he thinks fit within a private salt-work, and the proprietor or licensee of the salt-work shall have no claim for compensation for the ground occupied by such chaukis.

(2) The Collector may also, for the purposes of this Act, station such salt-revenue officers and other persons as he deems fit within the limits of a private salt-work, and establish preventive stations wherever he thinks fit in the neighbourhood of any such salt-work.

Disposal of sifted or refuse salt at a private salt-work.

19. (1) The Collector may, at any time, by written notice, require the licensee of a private salt-work to store in heaps any sifted or refuse salt which may be lying on such work, or, at such licensee's option, to destroy the same.

(2) If the licensee shall fail, within ten days from the date of service of any such notice, either to store in heaps or effectually to destroy the same, the Collector may cause the salt to be effectually destroyed and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

(3) The decision of the Collector as to whether any salt is sifted or refuse salt shall, for the purposes of this section, be conclusive.

20. (1) When

Heaps of salt at a private salt-work when opened to be entirely removed or reheaped.

20. (1) When any heap of salt in a private salt-work has been opened and a portion of it removed, the salt-revenue officer in charge of the salt-work may, by written notice, require the licensee of the salt-work either to remove the remaining portion of the salt in such heap or to reheap and secure the same in such manner as the said officer shall deem sufficient.

(2) If the licensee shall fail to comply with such notice within three days from the date of service thereof, the officer aforesaid may offer the salt remaining from the heap for sale, and, if the price offered be not less than the duty leviable thereon, may sell it. If the price offered be less than the amount of the duty, he may cause the salt to be destroyed, and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

Power for certain salt-revenue officers to require licensees of private salt-works to repair or reconstruct places for storage of salt or to provide for protection of salt or to repair store-houses.

21. (1) Any salt-revenue officer not lower in rank than a sarkárkún may, by written notice, require the licensee of a private salt-work:

(*a*) to repair or reconstruct any embankment, platform or place for the storage of salt within such salt-work;

(*b*) to protect, in any manner which shall appear to such officer sufficient, by thatch or in any other mode customary in the locality, any salt stored upon any such embankment, platform or place;

(*c*) to repair, to such officer's satisfaction, any store-house, building or premises used for the storage of salt manufactured, excavated or collected at such salt-work on which duty has not been paid.

(2) If the licensee shall fail to comply with such notice within twenty days from the date of service thereof, the officer aforesaid may cause the necessary work to be executed; and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

22. If

Provision for execution of emergent works.

22. If the salt-revenue officer aforesaid shall be of opinion that unless any such work as is mentioned in the last preceding section is executed without delay, the salt revenue will be endangered, he may, by written notice, and after recording his reasons for so doing in writing, require the licensee of the salt-work to execute the said work within such period as may be reasonably sufficient for the execution thereof, and if the licensee fails to comply with the notice within such period, may cause the work to be executed; and the cost of so doing shall be recoverable by him as aforesaid.

Power of Collector to require licensees of private salt-works to construct, reconstruct, alter or extend store-houses or to construct places for the storage of salt.

23. (1) The Collector may, by written notice, require the licensee of a private salt-work, within a reasonable period to be prescribed in such notice, to his satisfaction:

(*a*) to construct within or adjacent to such salt-work a store-house or other building or premises for the storage of salt manufactured, excavated or collected at such salt-work, on which duty has not been paid; or

(*b*) to reconstruct, alter or extend any existing store-house or other building or premises used for the storage of such salt as aforesaid;

(*c*) to construct within such salt-work any embankment, platform or place for the storage of salt.

(2) If the licensee shall fail within the prescribed period to comply with such notice, the Collector may cause the necessary work to be executed; and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

Suppression of private Salt-works and determination of licenses.

Power for Governor in Council to suppress a private salt-work or to

24. (1) If the licensee of any private salt-work, or his agent has been found by an authority competent in this respect to have committed any offence punishable under this Act, the Governor in Council may

may suppress such salt-work, or suspend or withdraw the license to manufacture, excavate or collect salt thereat or to remove salt therefrom.

suspend or withdraw license, if the licensee offends against this Act; or to fine the licensee if an offence is committed by any person employed at a private salt-work.

(2) If any such offence is committed by any person employed at a private salt-work, the Governor in Council may impose a fine not exceeding one thousand rupees on the licensee of such work, unless the said licensee establishes, to the satisfaction of the Governor in Council, that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

(3) For the purposes of this section the decision of the Governor in Council as to whether any such offence as aforesaid has been committed shall be conclusive.

(4) If any fine imposed under this section is not paid forthwith, the amount thereof may be recovered, upon application by the Collector, by any Magistrate, as if the same were a fine inflicted by such Magistrate.

Acquisition of private salt-works under Act X of 1870.

25. Whenever it shall appear necessary to the Governor in Council to obtain the ownership of any private salt-work with a view to suppressing it, he may proceed to acquire such salt-work under the provisions of the Land Acquisition Act, 1870. Act X of 1870.

Power to destroy suppressed and unlicensed salt-works.

26. Whenever, under any of the provisions of this Act, a private salt-work is suppressed, or a license to manufacture, excavate or collect salt at or to remove salt from any salt-work is withheld, suspended, or withdrawn, the Collector may flood the said work with water or take such other measures as he may deem fit for preventing the manufacture or the spontaneous production of salt therein.

Removal of salt from suppressed and unlicensed private salt-works.

27. (1) Salt in store at any private salt-work on the date when it is suppressed or when a license for the manufacture, excavation or collection of salt thereat or the removal of salt therefrom is withheld, suspended or withdrawn, may be removed by the licensee of the salt-work within the period of six months

months from the said date and for the purpose of such removal the license shall for the said period be deemed to continue in force.

(2) The Collector may cause any salt which remains at any such salt-work after the expiry of the said period of six months to be put up for sale, and if the price offered be not less than the duty leviable thereon may sell it. If the price offered be less than the amount of the duty, he may cause the salt to be destroyed.

CHAPTER V.

REMOVAL OF SALT FROM SALT-WORKS OR GOVERNMENT WAREHOUSES.

Removal of salt from a salt-work or Government warehouse without a permit prohibited.

28. No salt shall be removed from any salt-work or from any Government warehouse or store, otherwise than on account of Government, except under the authority and subject to the terms and conditions of a permit to be granted by a salt-revenue officer empowered in this behalf.

Permit to be granted only after payment of duty and charges and on a written application.

29. No such permit shall be granted until after payment of the duty and other charges, if any, payable to Government in respect of the salt intended to be removed, nor except upon a written application for the same.

Payment of duty and charges.

30. (1) The duty and other charges, if any, payable to Government shall be paid to such officer as the Commissioner from time to time directs; and he shall give a receipt for the payment in such form as the Commissioner may prescribe.

(2) If the officer authorized to receive the said payment is the same salt-revenue officer who is empowered to grant the permit, the amount of the duty and other charges, if any, payable to Government in respect of the salt intended to be removed shall be presented to the said officer, along with the written application for a permit, and the said officer's receipt therefor

therefor may be attached to the permit. Otherwise the receipt of the officer authorized to receive payment of the duty and other charges, if any, shall accompany the written application for a permit.

Form and contents of receipt, written application and permit.

31. (1) The receipt and written application shall, respectively, be in such form and be signed by such persons and contain such particulars as the Commissioner from time to time directs.

(2) The permit shall specify:

(*a*) the amount of duty and other charges, if any, paid;

(*b*) the quantity of salt to be removed;

(*c*) the salt-work, or Government warehouse or store from which and the person by whom the salt is to be removed;

(*d*) in the case of salt removed from a salt-work, the preventive station at which the salt is to be examined;

(*e*) the place to which and the route by which the salt is to be taken;

(*f*) the period for which the permit shall be in force;

and shall be in such form and contain such other particulars, if any, as the Commissioner from time to time directs.

Order to subordinate salt-revenue officer may be attached to permit.

32. (1) If the Commissioner so directs, there shall be attached to the permit an order to the salt-revenue officer in subordinate charge of the salt-work or Government warehouse or store from which salt is to be removed, requiring him to allow the quantity of salt mentioned in the permit to be removed and to endorse upon the order a certificate signed by himself and by the person who removes the salt and, if it is removed from a private salt-work, by the licensee of the salt-work, as to the correctness of the weighment and of the scales and weights used in weighing the salt.

(2) The said order and certificate shall be in such form and contain such particulars as the Commissioner from time to time prescribes.

33. When

Course to be followed by salt-revenue officer in subordinate charge of salt-work, &c., when permit is presented to him.

33. When a permit is presented to the salt-revenue officer in subordinate charge of a salt-work, or of a Government warehouse or store, he shall:

(*a*) fill up the blanks therein, if any, intended to be filled up by him;

(*b*) permit the authorized amount of salt to be weighed out for removal;

(*c*) tear off and retain the order, if any, attached to the permit;

(*d*) fill in and take the signatures of the proper persons beneath, and himself attest the certificate to be endorsed on the said order, if any;

(*e*) return the permit to the person entitled to remove the salt and permit the salt to be removed.

Salt how to be dealt with after leaving a salt-work.

34. (1) Salt removed from a salt-work under a permit as aforesaid shall be taken, together with the permit covering it, direct to the preventive station named in the permit, within the period prescribed in such permit.

(2) Subject to such orders as the Collector from time to time issues in this behalf, the salt-revenue officer in charge of the preventive station may examine and re-weigh the salt under removal.

(3) If the said officer shall be satisfied that the quantity of salt under removal is not in excess of the quantity specified in the permit he shall allow it to pass and after endorsing the permit to the effect that he has passed the same, shall return it to the person removing the salt.

(4) Thereafter the salt shall be conveyed to the place named in the permit within the period prescribed therein.

Responsibilities of permit-holders.

35. It shall be incumbent on every person who has obtained a permit for the removal of salt, either personally or through an agent lawfully appointed for this purpose:

(*a*) to test the scales and weights used in weighing out such salt;

(*b*) to

(*b*) to prevent the removal of salt in excess of the quantity named in the permit ;

(*c*) if so required by the salt-revenue officer in subordinate charge of the salt-work, or Government warehouse, or store, from which the salt is removed, to sign a certificate as to the correctness of the weighment and of the scales and weights used in weighing out the salt ;

(*d*) to superintend the removal of the salt.

CHAPTER VI.

WAREHOUSING OF SALT FOR SALE.

Salt not to be stored for the purpose of sale within certain limits without a license.

36. No salt shall be stored or had in possession for the purpose of sale :

(*a*) in Sind ; or

(*b*) within one mile from the Mátunga salt-work in the island of Bombay ; or

(*c*) within ten miles from any salt-work, or from any customs-station established under section 4 of Act No. XXIX of 1857 *(an Act to make better provision for the collection of land customs on certain foreign frontiers of the presidency of Bombay)*, or from any port or place at which at the time being it is lawful to import salt by sea or to land the same ; or

(*d*) within any other limits which shall from time to time be defined for this purpose by the Governor in Council by notification in the *Bombay Government Gazette* ;

except under the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf.

The Governor in Council may make rules to regulate the storage, &c., of salt for purpose of sale in the said limits.

37. (1) The Governor in Council may, from time to time, make rules for regulating and licensing the storage or possession of salt for the purpose of sale within any of the limits aforesaid.

(2)

Licenses to store, &c., and sell salt may be issued by the Collector.

(2) Subject to the provisions of any rules so made, the Collector may, from time to time, grant licenses to such persons as he deems fit, authorizing them to store or possess salt within any of the said limits, for the purpose of sale.

Possession of salt exceeding one maund in weight prohibited within the said limits except under a permit, &c.

38. (1) No person shall, within any of the limits described in section 36, transport or possess salt exceeding one maund in weight, unless the same:

(*a*) is being removed under a permit obtained under section 28; or

(*b*) is stored or possessed for the purpose of sale under a license granted under the last preceding section; or

(*c*) has been legally imported, from a foreign port or place, at some port or place within the said limits and is covered by a certificate signed by a customs-officer of the payment of the import-duty leviable thereon; or

(*d*) is covered by a special permit granted under the power next hereinafter conferred.

(2) The Collector or Deputy or Assistant Collector or any salt-revenue officer empowered in this behalf may grant to such persons, as they shall think fit, special permits authorizing them to be possessed of salt exceeding one maund in weight for their private consumption within or for conveyance out of any of the said limits.

CHAPTER VII.

POWERS OF SALT-REVENUE OFFICERS.

Power of salt-revenue officers: to enter any place where illicit manufacture of salt is suspected to be going on; and

39. Any salt-revenue officer empowered in this behalf, may:

(*a*) enter, at any time by day or by night, any land, building, enclosed place or premises upon or in or from which he has reason to believe that:

(*i*) salt is being manufactured, excavated, collected or removed without a license granted under this Act; or

(*ii*)

(*ii*) there is a natural formation of salt; or

(*iii*) contraband salt is stored or concealed;

(*b*) in case of resistance, break open any door and remove any other obstacle to his entry upon or into such land, building, enclosed place or premises; to overcome resistance; and

(*c*) take possession of, or destroy any salt so manufactured, excavated, collected or formed and any work, apparatus, implement, utensil, or material constructed or employed for the purpose of such manufacture, excavation, collection or removal, or of utilizing the salt so formed contrary to any of the provisions of this Act or of any rule made hereunder; to take possession of or destroy salt illicitly manufactured, &c.; and

(*d*) enter and inspect, at any time by day or night, any salt-work or any building, enclosed place, or premises used for storing salt, or any vessel laden with, or which is being laden with, or which it is intended to load with salt; to enter and inspect salt-works and stores or vessels laden with salt; and

(*e*) detain and search any person, animal, vessel, conveyance, goods or package upon or in whom or which he shall have reason to believe that there is contraband salt; to detain and search any person, animal, &c., for contraband salt; and

(*f*) seize in any open place, or in transit, any article which he has reason to believe to be contraband salt and any package or covering in which such article is found and the other contents, if any, of such package or covering in which the same is found and any animal, vessel or conveyance used or intended to be used in carrying the same; to seize contraband salt, &c.; and

(*g*) detain and search and, if he think proper, arrest any person whom he has reason to believe to be guilty of any offence punishable under this or any other law for the time being in force relating to salt-revenue, or in whose possession contraband salt is found. to detain, search and arrest any offender against this Act.

40.

Searches and arrests how to be made.

40. All searches and arrests under the last preceding section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1882, relating, respectively, to searches and arrests made under that Code.

Act X of 1882.

Officers of certain departments bound—

to give information concerning offences punishable under this Act; and to prevent such offences; and

41. It shall be incumbent on every village officer and on every officer of the departments of Police, Customs, Opium, Abkári, Forests and Revenue:

(*a*) to communicate to some salt-revenue officer not lower in rank than a sarkárkún or a daroga, any information which he receives of a design to commit or of the commission of any offence punishable under this Act;

(*b*) to interpose for the purpose of preventing and to prevent, by the use of all reasonable means within his power, the commission of any such offence;

to assist salt-revenue officers.

(*c*) on receipt of notice or of a request from any salt-revenue officer, to assist such officer in carrying out any of the provisions of this Act.

Issue of search warrants.

42. (1) Any Commissioner, or Collector, or other salt-revenue officer empowered in this behalf, and any Magistrate, may issue a warrant for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe that contraband salt is kept or concealed.

(2) Every warrant issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882, relating to search-warrants, by a Police officer or by a salt-revenue officer empowered in this behalf, or, if the officer issuing the warrant deems fit, by any other person.

Act X of 1882.

Person in possession of articles which are to be searched or examined, bound to unpack and weigh the same.

43. (1) Any officer who makes a search under this Act, or who examines any salt or salt-earth for any of the purposes of this Act, or of any rule made under this Act, may require the person who has the immediate possession or control of any animal, vessel, conveyance, goods, or package which he desires to search, or of any salt or salt-earth which he desires to examine, without delay and in such manner as he thinks fit to direct:

(*a*).

(*a*) to unload, unpack or open, any such animal, vessel, conveyance, goods or package; and

(*b*) to weigh any such salt or salt-earth; or

(*c*) before or after such search, examination or weighing is completed, to remove any such animal, conveyance, goods or packages beyond the limits of any wharf, landing-place, or preventive station, or to deposit any such goods or package until further orders at any spot indicated by such officer within such limits.

(2) If the said person shall fail to comply with any such requirement, the officer aforesaid may cause the animal, vessel, conveyance, goods, or package to be unloaded, unpacked, opened, removed or deposited or the salt or salt-earth to be weighed in the manner which he requires, and the cost of so doing shall be recoverable by the said officer from the said person.

Disposal of person arrested.

44. Every person arrested under section 39 shall be forwarded without delay to the nearest salt revenue officer empowered to send persons so arrested to a Magistrate, or if there be no such salt-revenue officer within a reasonable distance, to the officer in charge of the nearest police-station.

Procedure to be followed by officer in charge of a police-station in cases of offences punishable under this Act.
Act X of 1882.

45. The officer in charge of a police station to whom any person is forwarded under the last preceding section, or who receives, direct, any complaint or information of the commission of an offence punishable under this Act, shall inquire into and deal with the case under the provisions of the Code of Criminal Procedure, 1882, relating to cognizable cases.

Inquiry how to be made by salt-revenue officers against arrested persons forwarded to them under section 44.

46. (1) When any person is forwarded under section 44 to a salt-revenue officer empowered to send persons so arrested to a Magistrate, the said salt-revenue officer may detain such person and shall proceed to inquire into the charge against him.

(2) For this purpose the said salt-revenue officer may exercise the like powers and shall be subject to the same provisions as the officer in charge of a police-station may exercise and is subject to, under the Code of Criminal Procedure, 1882, when investigating a cognizable case:

Act X of 1882

(3) Provided that:

(*a*) if the said salt-revenue officer shall be of opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall forward him to a Magistrate having power to take cognizance of the offence;

(*b*) if it appears to the said salt-revenue officer that there is not sufficient evidence or reasonable ground as aforesaid, he shall release the accused on his executing a bond, with or without sureties, as such salt-revenue officer may direct, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

CHAPTER VIII.

PENALTIES.

For illicit manufacture of salt, &c.

47. Whoever, in contravention of this Act, or of any rule or order made under this Act, or of any license or permit obtained under this Act—

(*a*) manufactures, removes or transports salt; or

(*b*) excavates, collects or removes natural salt, or salt-earth;

and whoever:

(*c*) except in the exercise of some power or the discharge of some duty conferred or imposed upon him under this Act or any other enactment at the time in force, receives or, without lawful excuse, retains contraband salt knowing or having reason to believe the same to be contraband salt;

shall

shall for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

For offences against this Act committed by public servants.

48. Whoever, being a salt-revenue officer or a village officer or an officer of any of the departments of Police, Customs, Opium, Abkári, Forests or Revenue:

(*a*) does any act, or is guilty of any omission, in contravention of this Act, or of any rule or order made under this Act; or

(*b*) with intent to cause injury or annoyance to any person, vexatiously and unnecessarily makes use of any power conferred upon him under this Act;

shall for every such offence be punished with fine which may extend to five hundred rupees.

For preparing or using incorrect application for a permit, or an incorrect certificate under section 32.

49. Whoever prepares, or signs, or uses, or attempts to use an incorrect application for a permit to remove salt, or an incorrect certificate purporting to be such as is required by section 32, knowing or having reason to believe such application or certificate to be incorrect, shall, for every such offence, be punished with fine which may extend to two hundred rupees, and in default of payment of the fine, with simple imprisonment for a term which may extend to one month.

What things are liable to confiscation.

50. All contraband salt, and every vessel, animal or conveyance used, or intended to be used, in carrying contraband salt, and

all goods, packages and coverings in or among which contraband salt is found, and

every apparatus, implement, utensil or material employed, or intended to be employed, for the manufacture, excavation, collection or removal of salt without a license or for the purpose of utilizing natural salt or salt-earth contrary to any of the provisions of this Act or of any rule made hereunder,

shall be liable to confiscation.

CHAPTER IX.

CHAPTER IX.

PROCEDURE.

Cognizance of offences.

51. All offences punishable under this Act, shall be cognizable by any Magistrate.

Order of confiscation by whom to be made.

52. (1) All confiscations under this Act shall be adjudged by the Collector or by any officer empowered by the Governor in Council in this behalf :

(2) Provided that no order of confiscation shall be made without hearing any person who within one month from the date of its seizure claims a right to any thing intended to be confiscated and the evidence, if any, which he produces in support of his claim.

Power to regulate disposal of things seized.

(3) Provided also that it shall be lawful for the Governor in Council to make from time to time rules consistent with this Act to regulate the disposal and destruction of things seized under this Act.

Such rules may among other matters provide :

(*a*) that any officer of a class which shall be designated in such rules may, at any time after a seizure under this Act has been made of any goods which appear to him to be subject to speedy and natural decay, direct such goods to be sold by public auction, destroyed or otherwise disposed of ;

(*b*) that the owner or person in charge of any animal seized under this Act shall provide from day to day for its keep, while detained, and that if he omits to do so, such animal may, if any officer such as is referred to in clause (*a*) so direct, be sold by public auction and the expenses, if any, incurred on account of it defrayed from the proceeds of such sale ;

(*c*) that the surplus proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, unless the owner of the thing seized establishes his claim to such proceeds within a period not less than three months, to be fixed by such rules, be forfeited to Her Majesty,

(4)

(4) Whenever confiscation is ordered under this Act, the owner of the thing confiscated shall be given an option of redeeming it, on payment of such fine as the Collector or other officer aforesaid thinks fit. Redemption of thing confiscated to be permitted on payment of fine.

53. (1) Any salt-revenue officer not lower in rank than a sarkárkún or a daroga shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making for any of the purposes of this Act. A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned. Power to summon persons to give evidence and produce documents in enquiries under this Act.

(2) All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct: provided that exemptions under sections 640 and 641 of the Code of Civil Procedure shall be applicable to requisitions for attendance under this section; Act XIV of 1882.

and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements;

and to produce such documents and other things as may be required.

(3) Every such inquiry as aforesaid shall be deemed to be a "judicial proceeding" within the meaning of section 193 and section 228 of the Indian Penal Code. Act XLV of 1860.

54. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and shall also bear his official seal, if he have any; and shall be served by tendering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence. Summons to be in writing, signed and sealed. How to be served.

55.

Service of notices.

55. (1) Every notice under this Act shall be deemed to be served on the date on which a copy thereof is tendered or delivered to the person on whom it is to be served, or to his agent, if he have any;

or when the notice has not been so served, the date which shall appear to the officer holding the enquiry to be the date on which the person on whom the same is to be served has become aware of the issue and purport thereof.

Notice not void for error.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced a material misconception of the intended intimation.

Recovery of costs.

56. Whenever it is provided in this Act that the costs of doing anything shall be recoverable from any person by a salt-revenue officer, the said officer may recover the same by detention of any property of the person liable therefor and by sale of such property; and the said costs shall also be recoverable, if necessary, by a revenue officer in any manner in which, under the law at the time in force, an arrear of land-revenue may be recovered.

Appeals.

57. (1) Every order passed by any salt-revenue officer other than a Commissioner or a Collector, shall be appealable to such officer's immediate superior at any time within sixty days from the date of such order.

(2) Every order passed by a Collector shall be appealable within ninety days from the date of such order to the Commissioner, if any, to whom the Collector is subordinate and, if there be no such Commissioner, to Government.

(3) Every order passed by a Commissioner shall be appealable within ninety days from the date of such order to Government; Provided that no such appeal shall lie from any order passed by a Commissioner on appeal.

(4)

(4) Subject to the foregoing provisions, the rules for the time being in force relating to appeals in the Revenue department shall apply to appeals under this Act.

CHAPTER X.

MISCELLANEOUS.

Further matters for which the Governor in Council may make rules.

58. (1) In addition to the rules which the Governor in Council is hereinbefore empowered to make, he may from time to time make rules, consistent with this Act, to regulate the following matters, namely :

(*a*) the manufacture, deposit and storage of salt at any salt-work;

(*b*) the deposit and storage of salt in any building, enclosed place or premises used for the deposit or storage of salt on which duty has not been paid;

(*c*) the removal of salt from any such building, enclosed place or premises as last aforesaid or from any salt-work;

(*d*) the routes by which salt shall be taken from any such building, enclosed place or premises as aforesaid or from any salt-work to any preventive station;

(*e*) the routes by which manufacturers of salt and other persons shall approach, enter or leave any salt-work and the hours during which any person may remain within the limits of any salt work or in any such building, enclosed place or premises as aforesaid;

(*f*) the conservancy of any salt-work and of any such building, enclosed place or premises as aforesaid;

(*g*) the granting and the refusal of permission to construct within a salt-work or in the immediate vicinity thereof places of residence for manufacturers of salt and other work-people employed therein

therein; and the terms as to the situation and construction of any such places as may be permitted;

(*h*) the attendance and the enforcement of the contract or agreement of any person who has contracted or agreed to manufacture, excavate or collect salt at any salt-work under the immediate management and control of Government;

(*i*) the licensing and control of hamals and labourers for hire by whomsoever employed at salt-works, and at preventive stations;

(*j*) the grant of amended or duplicate copies of documents relating to proceedings under this Act, and the fees to be charged for such copies.

Penalties may be attached by the Governor in Council to breach of rules.

59. In making a rule under this Act, the Governor in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees and, in default of payment of the fine, with simple imprisonment for a term which may extend to one month.

Publication of rules.

60. All rules made under this Act shall be published in the *Bombay Government Gazette* and, in Sind, in the *Sind Official Gazette*, and shall thereupon have the force of law.

No person to be liable to penalty or damages for act done in good faith in pursuance of duty.

61. (1) No person shall be liable to any penalty or to payment of damages on account of any act done or order made in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by this Act, or by any rule, order or direction made or appearing to have been made under the provisions thereof by a person having or appearing to have authority in that behalf.

No suit or prosecution in respect of an act done under colour of duty as aforesaid

(2) In the case of an alleged offence or wrong on the part of any person by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence if committed or the wrong if done was of the character aforesaid, the prosecution or suit shall not

not be entertained, or shall be dismissed if instituted, more than six months after the act complained of.

shall be entertained, or shall be dismissed, if not instituted within six months.

(3) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit, with a sufficient description of the wrong complained of, failing which such suit shall be dismissed,

In suits as aforesaid one month's notice to be given and sufficient description of wrong complained of.

(4) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any and if any what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Plaint to set forth service of notice and tender of amends.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. III OF 1890.

An Act to amend the Matádárs Act (B. VI of 1887).

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 21st August 1890).

WHEREAS it is expedient to amend the Matádárs Act, 1887; it is hereby enacted as follows:—

1. In the proviso to Section 6 of the said Act for all after the words "in such village appertains" there shall be substituted the following:—

> "to one or more than one of such families to the exclusion of the remainder of such families and shall vest in such order as he may thereby determine, and every such declaration shall be conclusive evidence of the rights thereby affirmed."

2. For Section 14 of the said Act the following shall be substituted:—

> "In every village in which the Governor in Council makes a declaration under Section 6 the right to the office of patel shall vest to the exclusion of all other matádárs in the representative of each of the families whose rights are thereby declared in such order as may therein be determined."

[*Price—Three Pies.*]

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BOMBAY ACT NO. IV OF 1890.

An Act to amend the Law for the regulation of the District Police in the Presidency of Bombay.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 4th September 1890).

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[*Price—Three Annas.*]

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BOMBAY ACT NO. IV OF 1890.

An Act to amend the law for the regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to amend the law for the regulation of the District Police of the Presidency of Bombay; It is enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Bombay District Police Act, 1890."

Extent.

(1) It extends to the whole of the presidency of Bombay, except Sind, the city of Bombay, Aden and its dependencies, and Perim.

Extension to Sind, Aden and its dependencies and Perim.

(2) It, including the schedules, may be introduced wholly or in part in Sind or in Aden and its dependencies and Perim, by an order of Government.

Repeal of enactments.

2. Subject to the provision in section 1, sub-section (1), the enactments mentioned in schedule A are repealed to the extent specified in the third column thereof, but not so as to render invalid anything done in accordance with any of them.

All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding portion of this Act.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

Definitions.

3. In this Act, unless there be something repugnant in the subject or context:

(*a*)

"Inspector General," "Deputy Inspector General," "District Superintendent," "Assistant Superintendent";

(*a*) "Inspector General", "Deputy Inspector General", "District Superintendent" and 'Assistant Superintendent" mean, respectively, the Inspector General of Police, a Deputy Inspector General of Police, a District Superintendent of Police and an Assistant Superintendent of Police appointed under this Act;

"Police Officer";

(*b*) "police officer" means any member of a police force appointed under this Act;

"Constable";

(*c*) "constable" means a police officer of the lowest grade;

"District";

(*d*) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1882;

Act X of 1882

"Street";

(*e*) "street" includes any highway and the way over any causeway, bridge, viaduct, arch, quay or wharf and any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not;

"Cattle";

(*f*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine:

words and expressions defined in the Criminal Procedure Code.

(*g*) words and expressions which are defined in the Code of Criminal Procedure, 1882, have the same meaning as in that code.

Act X of 1882

CHAPTER II.—ORGANIZATION OF THE POLICE.

General.

Police force to be entertained in each district.

4. In each district of the presidency of Bombay to which this Act extends, Government may, subject to the control of the Governor General in Council, establish and entertain a police force of such number in the several ranks and having such an organization and such duties, rights and authority as are hereinafter prescribed and provided for, and receiving such salaries and allowances as shall from time to time be directed and approved by the authorities aforesaid.

5.

Appointment and authority of Inspector General of Police,

5. (1) For the direction and supervision of the police force of every portion of the presidency to which this Act extends, Government shall appoint an Inspector General of Police, who shall have such functions, authority and responsibility as are hereinafter provided, subject to the provisions of this Act, and to such rules and orders as may be made by Government in this behalf.

and of Deputy Inspector General.

(2) Subject to the previous approval of the Governor General in Council, Government may appoint one or more Deputy Inspectors General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

Their suspension or removal.

(3) The Inspector General and Deputy Inspector General may be suspended or removed from office by Government.

Appointment of District and Assistant Superintendents.

6. Government may appoint for each district a Superintendent and such Assistant Superintendents of Police as it may think expedient and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

Commissioners and Inspector General to have magisterial powers;

to exercise them subject to such limitations as are imposed by Government.

7. Each Commissioner throughout the districts under his control, and the Inspector General of Police throughout the presidency, shall have the powers of a Magistrate of the first class, but shall exercise such powers subject to such limitation as may from time to time be imposed by Government.

Appointment of inspectors.

8. The Inspector General may, subject to the rules and orders of Government, appoint such inspectors as shall be necessary for the service of each district.

9.

Appointment of police officers below the grade of inspector.

9. Police officers below the grade of inspector shall be appointed in each district by the District Superintendent, subject to such rules as to sanction, designations, mutual relations and conditions of service as, consistently with the law at the time in force, Government may from time to time prescribe.

Certificates of appointment to be given to inspectors.

10. An inspector shall, on appointment, receive from the Inspector General a certificate of appointment containing particulars of his race, name, age, caste or religion and of his previous service, if any.

Certificates of office to be given to police officers below the grade of inspector.

11. (1) Every police officer below the grade of inspector shall, on enrolment, receive a certificate in the form of schedule B under the seal of the Magistrate of the District in which he is enrolled.

Powers, &c., of persons appointed as aforesaid.

(2) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a police officer.

Such certificates when to become null and void.

(3) *a*. Every certificate of appointment shall become null and void whenever the person named therein for any reason ceases to belong to the police.

Temporary suspension of powers, &c., of police officers.

b. The powers, functions and privileges vested in a police officer shall be temporarily suspended whilst such police officer is suspended from office. Such police officer shall not by reason of such suspension cease to be a police officer, but shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.

General powers of District Superintendent.

12. The District Superintendent shall, subject to the orders of the Inspector General and of the Magistrate of the District, within their several spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters

matters of executive detail in the fulfilment of their duties by the police force of his district.

Control by Magistrate of the District:

13. (1) The District Superintendent and the police force of a district shall be under the command and control of the Magistrate of the District.

Subject to rules and orders of Government and lawful orders of the Commissioner.

(2) In exercising authority under the preceding sub-section, the Magistrate of the District shall be governed by such rules and orders as Government may from time to time make in this behalf and shall be subject to the lawful orders of the Commissioner.

Inspector General in issuing rules and orders, to give furtherance to purposes of sub-section (1).

(3) The Inspector General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of subsection (1).

Additional police force to be furnished to any district by the Inspector General on requisition of District Magistrate.

14. If the Magistrate of the District considers that there is, or on any particular occasion will be, pressing need for a police force that cannot be furnished by his own district, he shall communicate with the Inspector General, who shall, as far as possible, and subject to the orders of Government, comply with the requisitions of the Magistrate of the District.

District Superintendent may be required by District Magistrate to furnish reports.

15. The Magistrate of the District may require from the District Superintendent reports, either particular or general, on any matter connected with crimes, the condition of the criminal classes, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the police force, the utilization of auxiliary means and all other matters in furtherance of his control of the police force and the maintenance of order.

District Magistrate's general powers of supervising

16. If the Magistrate of the District observes marked incompetence or unfitness for the locality or for his particular duties, in any officer subordinate to

the police force of his district.

to the District Superintendent, he may call on the Superintendent to substitute another officer for any officer whom he has power to remove, and the Superintendent shall be bound to comply with such requisition. In the case of an Inspector or officer of higher grade, the Magistrate of the District may communicate with the Inspector General, who shall thereon determine the measures to be taken with careful attention to the views of the Magistrate of the District and shall inform him of the orders he may issue.

Power of Commissioner to issue directions in respect of police force.

17. (1) A Commissioner may make any order with respect to the police force in any district within the division subject to his authority, which the Magistrate of the District might make, and any order which he may be authorised to make by any rule lawfully made by Government under the provisions of this Act or other law in force, and may also in case of emergency direct any portion of such force appointed for one district to be employed in any other district in such division.

Such direction ordinarily to be to the District Magistrate and to be communicated to the Inspector General.

(2) An order under sub-section (1) shall ordinarily be directed to the Magistrate of the District concerned, but may when necessary be addressed directly to the District Superintendent, in which case it shall be communicated to the Magistrate of the District. The order shall in each case be communicated by the Commissioner to the Inspector General.

Commissioner may call Inspector General's attention to defects in the police of his division which shall be remedied.

18. In such matters falling under his observation as lie within the sphere of authority of the Inspector General, a Commissioner may call the Inspector General's attention to defects of system or of personal competence in the police of any portion of the division subject to his authority. It shall be incumbent on the Inspector General in every such case to remedy defects, and to remove causes of complaint and to conform to the requests of the Commissioner where the same shall be lawful and consistent with the orders of Government and other lawful commands,

mands, requests and instructions. He shall communicate the steps taken by him to the Commissioner.

Commissioner may call on District Magistrate for reports on state of crime, &c., and issue orders thereon.

19. A Commissioner may call on the Magistrate of a District for such reports and information connected with the state of crime in his district and with the distribution of the police therein and on the arrangements for repressing offences and disorder, as he may think necessary, as a means towards the good administration of the division subject to his authority, and may thereon issue such orders as shall be conformable to law. Every such order shall be directed to the Magistrate of the District and shall be communicated to the Inspector General.

Commissioner may investigate and regulate all matters of police accounts.

20. A Commissioner shall, subject to the orders of Government, have authority to investigate and regulate all matters of account connected with the police within the division subject to his authority, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations, and to conform to his lawful orders consequent thereon.

Special.

Appointment of special police officers.

21. (1) Whenever it shall appear to a Magistrate of the Second Class or of higher rank having jurisdiction at a town or place, that any unlawful assembly, riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Magistrate may, on the application of any police officer not lower in rank than a chief constable, by a written order signed by himself and sealed with his official seal, appoint to be special police officers for such time and within such limits as he shall think necessary, so many persons fit and willing to act as such officers as he shall think proper.

(2)

Powers and responsibilities of special police officers.

(2) Every special police officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police officer; but it shall not be necessary for him to receive a certificate of office under section 11.

Additional.

Employment of additional police at request of persons showing the necessity therefor.

22. (1) Any District Superintendent, on the application of any person showing the necessity therefor, may depute any additional number of police to keep the peace or to perform other police duties at any place within the district.

Cost thereof.

(2) Such additional police shall be employed at the charge of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the District Superintendent thinks fit:

Proviso regarding relief from costs.

(3) Provided that if the person upon whose application such additional police are employed shall at any time make a written requisition to the District Superintendent for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as the District Superintendent shall determine.

(4) In acting under this section the District Superintendent shall be subject to the provisions of section 13 (1).

Employment of additional police near large works.

23. (1) Whenever it shall appear to any Magistrate of a District that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place within his district, necessitates the employment of additional police at such place, such Magistrate may,

may, with the sanction of Government, depute such additional police to the said place as he shall think fit and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

(2) Such additional police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on and the said person shall pay the charges therefor at such rates and at such times as the Magistrate of the District, with the sanction of Government, shall from time to time require. Cost thereof.

24. In case of any dispute in any case under section 22 or section 23, the decision of the Magistrate of the District shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Magistrate of the District, be levied by the Collector as if it were an arrear of land Revenue due by the person found to be answerable therefor. Disputes as to payment of cost.

25. (1) Government may, from time to time, by notification direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police. Employment of additional police in cases of special danger to the public peace.

(2) The cost of such additional police shall, if Government so direct, be defrayed, either wholly or partly, by a rate charged on the inhabitants generally or on any particular section of the inhabitants of the local area to which the notification applies. Cost thereof.

(3) The said rate shall be assessed, except in a municipal district, by the Collector at his discretion. If the local area in which any such rate is to be imposed is a municipal district, the amount of the charge shall be paid by the municipality from the municipal fund and the rate shall be assessed by the municipality conformably to the direction given by Government under sub-section (2). Assessment of the cost.

26.

Recovery of rates and charges under section 25 by a municipality.

26. (1) Every rate assessed under the last preceding section or other provision of this Act by a municipality shall be recovered by such municipality from each person answerable therefor in the same manner as a municipal tax due by him.

By the Collector.

(2) Every rate assessed by the Collector as aforesaid shall be recoverable by the Collector as if it were an arrear of land revenue due by the person answerable therefor.

CHAPTER III.—REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of the police.

27. Subject to the orders of Government, the Inspector General may from time to time make rules or orders not inconsistent with this Act or with any other enactment at the time in force:

(*a*) relating to the recruitment, organization, classification and discipline of the police;

(*b*) regulating the inspection of the police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

(*d*) for the institution, management and regulation of any police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 13, cl. (1), and section 17, the distribution, movements and location of the police;

(*f*) regulating the duties of police officers of different grades;

(*g*) regulating the collection and communication by the police of intelligence and information;

(*h*) generally for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

28.

28. The Inspector General of Police may, subject to the rules and orders of Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties, as his subordinates may be able to furnish to him. He will communicate to the Magistrate of the District and the Commissioner any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which Government may direct. Inspector General may call for returns, &c.

29. (1) The Governor in Council, or any officer authorized by sub-section (3) in that behalf, may suspend, reduce or dismiss any police officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine, to an amount not exceeding one month's pay, any police officer below the grade of Assistant Superintendent who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty. Punishment of police officers departmentally for neglect of duty, &c.

(2) Any punishment inflicted on a police officer under this section shall be in addition to the penalty to which such officer is liable under section 36, 63 or 64 of this Act or any other law in force. Punishment under this section to be in addition to penalty under section 36, 63 or 64.

(3) The Inspector General shall have authority to punish an inspector under sub-section (1). A District Superintendent shall have the like authority in respect of any police officer subordinate to him below the grade of inspector and may suspend an inspector who is subordinate to him, pending inquiry into a grave complaint against such inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf. Punitive powers of Inspector General and Superintendent.

30.

Procedure to be observed in awarding punishment.

30. When any officer passes an order for fining, suspending, reducing or dismissing a police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in the language of the district or in English.

Departmental punishment for insubordination.

31. (1) The Inspector General and any District Superintendent and any Assistant Superintendent in charge of a portion of a district may punish, by confinement for a period not exceeding three days, any police officer below the rank of head-constable who is, in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(2) Every order for punishing a police officer as aforesaid shall be recorded in the manner prescribed in section 30 and a copy of every such order made by a District Superintendent or an Assistant Superintendent shall be forwarded by him to his immediate superior.

Police officers to be deemed to be always on duty and to be liable to employment in any part of the presidency.

32. (1) Every police officer shall, for all purposes of this Act, be deemed to be always on duty in the area for which he is appointed or to which he is lawfully transferred, and any police officer and any number or body of police officers appointed for one part of the presidency may, if Government or the Inspector General so direct, at any time be employed on police duty in any other part of the presidency for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector General to the Commissioner and District Magistrate.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and Magistrate of the District by the Inspector General of any proposed transfer under this section, and except where secrecy is necessary the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Police officer not to engage

33. (1) No police officer shall engage in trade or be in any way concerned, either as principal or agent, in

in the purchase or sale of land within the District wherein he is employed or in any commercial transaction whatever, without the permission of the Magistrate of the District, or of Government. in trade, &c.

(2) No police officer under the rank of Assistant Superintendent shall, unless with the written permission of the Inspector General, hold any office, or practice in any profession, or engage in any employment whatever, other than his office or duties as such police officer. Police officers under the rank of Assistant Superintendent not to be employed on other than police duties.

(3) The prohibitions in sub-sections (1) and (2) apply when a police officer is on leave or under suspension as well as when he is on duty. These prohibitions to apply also when a police officer is on leave or under suspension.

34. (1) Unless with the written permission of the District Superintendent or of some other police officer empowered by the Inspector General to grant such permission, no police officer under the rank of Assistant Superintendent shall resign his office or withdraw himself from the duties thereof, until: Under what conditions police officer may resign.

(*a*) the expiration of two months after written notice of his intention so to do has been given by him to the District Superintendent; and until

(*b*) he has fully discharged any debt due by him, as such police officer, to Government or to any police fund:

(2) Provided that if any such police officer produces a certificate signed by the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him, on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid. Proviso.

(3)

Arrear pay of a police officer contravening this section may be forfeited.

(3) If any such police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the District Superintendent, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 36 of this Act or other law in force.

Certificate, arms, &c., to be delivered up by person ceasing to be a police officer, and

35. (1) Every person who for any reason ceases to be a police officer shall forthwith deliver up to some officer empowered by the District Superintendent to receive the same, his certificate of appointment of officer and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up, may be seized under a search warrant.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the pro-

Act X of 1882

visions of the Code of Criminal Procedure, 1882, by a police officer or, if the Magistrate or District Superintendent issuing the warrant so directs, by any other person.

Saving of certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, &c., and

36. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer; or

(2) Any police officer who:

for misconduct of police officers.

(*a*) contravenes any provision of section 33; or

(*b*) is guilty of cowardice; or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of section 34; or

(*d*)

(*d*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such police officer, it is his duty to observe or obey; or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force;

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees or with both.

(3) A police officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (c), be deemed to withdraw himself from the duties of his office within the meaning of section 34. Consequence of failure to return to duty after leave.

37. Any police officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 35, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both. Penalty for failure to deliver up certificate of appointment or of office or other article.

38. Government, whenever it shall seem necessary, may by notification make an order to such effect as any order which if made by a Magistrate under Section 144 of the Code of Criminal Procedure could be continued in force by Government under the enactment aforesaid. Government may make orders under Section 144, Criminal Procedure Code. Act X of 1882.

CHAPTER IV.—Police Regulations.

39. (1) In any town or other place in which he thinks fit, the Magistrate of the District may, from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect, make rules or orders: Rules may be made by District Magistrate regarding use of streets, &c,

(*a*) closing certain streets, or places temporarily, in cases of danger from ruinous buildings or other

other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours, or the public;

(*c*) regulating the leading, driving, conducting, or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a firework or sending up a fire-balloon in or upon or within fifty feet of a street or building, or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as the Magistrate of the District may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(*h*)

(*h*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased;

(*i*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*j*) in cases of existing or apprehended epidemic or infectious disease of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management the persons or animals diseased or supposed to be diseased, as may have been directed or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*k*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water; and providing against pollution of the same or of the water therein;

(*l*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmshála, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*m*) regulating the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and the movement of persons, animals and vehicles at such times and such places at which in the opinion of the Magistrate special regulations may be necessary for the public safety and convenience.

(2) Every regulation made under clause (*h*) or made under clause (*l*) with respect to the use of a place Manner of publication of such rules.

place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases; and every rule or order made by the Magistrate of the District under clause (*e*), (*f*), (*g*), (*h*) or (*i*) shall be published by affixing a copy thereof, in the language of the district, in the *chávdi* or in some other public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clause (*a*), (*b*), (*j*), (*k*), or (*l*) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specially relates.

Rules under clause 1 (*j*) to be reported to Government.

(3) Every rule promulgated under the authority of article (*j*) of clause (1) of this section shall be forthwith reported to Government and shall be in force for not more than fifteen days unless extended by Government for a longer period and in such case for so long as Government directs.

(4). It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

District Magistrates may make rules for blasting and excavation.

40. Every Magistrate of a District may from time to time make rules for the blasting of rocks or for making excavations in or near any street in any town or village in his district and may provide in such rules for the grant of licenses for such operations.

Discontinuance of brothels.

41. On complaint being made to a Magistrate of a District or of a Subdivision that any house in a town or village in his district or sub-division to which Government has by notification extended this section, is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or

or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

Issue of orders by Magistrates for prevention of disorder.

42. (1) The Magistrate of the District, or in his absence and subject to his order the Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law, or of a lawful authority.

Any one of several Magistrates having jurisdiction may issue order.

(2) If in any town or village or the vicinity thereof there are two or more Magistrates of the First Class having jurisdiction therein, a prohibition as aforesaid may be made by any one of them.

Orders by subordinate Magistrate to be communicated to the District Magistrate.

(3) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the District who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Issue of orders by Magistrate

43. In order to prevent an impending or apprehended riot or grave disturbance of the peace the Magistrate

of the District for prevention of riot or grave disturbance of the peace.

Magistrate of the District may temporarily close or take possession of any building or place and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Magistrate of the District for maintenance of order at religious ceremonials, &c.

44. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or participation in which it shall appear to the Magistrate of the District that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, &c., of Courts.

(2) Any order made under the foregoing subsection shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the District that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

District Magistrate may take special measures to prevent outbreak of

45. (1) Whenever it shall appear to the Magistrate of a District that any place in the district, at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he

he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof. Epidemic disease at fairs, &c.

(2) It shall be lawful for the Magistrate of the District or for the Collector on the requisition of the Magistrate of the District, subject to the orders of Government, to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage. Levy of fees in such cases.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality. Recovery of expenses from Municipalities.

46. Whenever it shall appear to the Magistrate of a District or to any Sub-divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe. Dispersal of gangs and bodies of persons.

47. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled, at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior police officer of highest rank superior to that of constable, present in the town or village Police to provide against disorder, &c., at public places of amusement and public meetings.

village where such place of amusement is situate or such assembly or meeting is to be held, may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(2) The police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

Police to regulate assemblies, &c., in public streets.

48. (1) The District Superintendent or an Assistant Superintendent may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf:

(*a*) make rules for and direct the conduct of assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass;

(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tomtoms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;

(*c*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under sections 39—46 of this Act.

Manner of publication of such rules and orders.

(2) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all prsons concerned shall be bound to act conformably thereto.

Provisions as to dogs.

49. (1) The Magistrate of the District may by public notice, extending to such place or places within the

the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

When dogs may be destroyed or sold by the police.

(2) The police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land revenue.

Provision in case of dog wearing a collar with owner's address.

(4) When any dog taken possession of by the police wears a collar with the apparently genuine address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

Powers under this chapter to be exercised by District Superintendent subject to control of District Magistrates and by District Magistrates subject to control of Government.

50. Every power conferred by this chapter on a District Superintendent or officer subordinate to him shall be exercised by him subject to the orders of the Magistrate of the District, and all rules, regulations and orders made by the Magistrate of the District under this chapter shall be subject to the provisions of section 13 (2).

CHAPTER V.—EXECUTIVE POWERS AND DUTIES OF THE POLICE.

51. (1) Every police officer shall:

Duties of police officer.

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and lay such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend and for whose apprehension there is sufficient reason;

(*e*) aid another police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) discharge such duties as are imposed upon him by any law relating to revenue or other law at the time in force.

Power to enter places of public resort.

(2) Every police officer may, subject to the rules and orders made by Government or by a person lawfully authorised, enter for any of the said purposes, without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking-shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in the streets.

(3) When in a street or place of public resort a person has possession or apparent possession of any article which a police officer in good faith suspects to

to be stolen property, such police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure or other law in force. Act X of 1882

52. It shall be the duty of every police officer: Duties of police officers toward the public.

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and, whilst guarding or conducting any such person, to have due regard to his condition;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

53. (1) It shall be the duty of a police officer:

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets; Police to regulate traffic, &c., in streets; and

(*b*)

to keep order in the streets and other public places; and

(*b*) to keep order in the streets and at and within public bathing, washing, and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

to regulate resort to public places.

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding there at and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of police.

(2) All persons shall be bound to conform to the reasonable directions of a police officer given in fulfilment of any of the said duties.

Police officer may restrain or remove contumacious person.

(3) A police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 42, 43 or 44.

54. Whenever a notification has been duly issued under section 42, or an order has been made under section 43 or 44, it shall be lawful for any Magistrate or police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or police officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid, and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of the police to see orders issued under section 45 or 46 carried out.

55. It shall be the duty of the police to see that every regulation and notification made by the Magistrate of the District under section 45, or by the Magistrate of the District or a Sub-divisional Magistrate under section 46, is duly obeyed, to warn persons

persons who from ignorance fail to obey the same, and to arrest any person who wilfully disobeys the same.

Police officer may take charge of stray cattle Act I of 1871.

56. A police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act which may be found straying in a street and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act.

Duty of police with regard to unclaimed property.

57. The police shall take temporary charge of all unclaimed property found by or made over to them; and shall deliver all such property to the police patel, if any, of the town or village in which the same was found and take a receipt therefor, from the patel who shall forward such property to the Magistrate to whom such police patel is subordinate. If in any such case there be no police patel of such town or village, the police shall forthwith report to such Magistrate as the Magistrate of the District shall from time to time appoint in this behalf, and act thereafter as the said first-mentioned Magistrate shall direct.

Procedure by Magistrate when the property exceeds ten rupees in value. Bo. VIII of 1867.

58. (1) If the property regarding which a report is made to a Magistrate under the last preceding section or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than ten rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Regulation VIII of 1827 (*a Regulation to provide for the formal recognition of heirs, &c.*) or other law in force.

Procedure in other cases.

(2) In any other case the Magistrate shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and

and establish his claim within six months from the date of such proclamation. If no person within such period establishes his claim to such property, it shall be at the disposal of Government, and may be sold in public auction under the orders of the Magistrate.

(3) The provisions of section 10 of the Regulation aforesaid shall be deemed not to apply to intestate property which is dealt with by a Magistrate under sub-section (2).

Power to sell perishable property at once.

59. If the property regarding which a report is made as aforesaid is subject to speedy and natural decay or consists of live-stock, or appears to be of less value than five rupees, the Magistrate may at once direct it to be sold in public auction and the provisions of the last preceding section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

A superior police officer may himself perform duties imposed on his inferior, &c.

60. A police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

CHAPTER VI.—Offences and Punishments.

Punishment of certain street offences and nuisances;

61. In any local area to which Government by notification from time to time extends this section or any part thereof, whoever contrary thereto:

driving on dark nights without a light;

(*a*) without lawful excuse drives along, or keeps standing in, any street a vehicle of any description at any time between three-quarters of an hour after sunset and one hour before sunrise, without

without a sufficient light or lights, except when there is sufficient moonlight to render such light unnecessary;

(*b*) drives a vehicle of any description along a street and does not keep (except in cases of actual necessity or of some sufficient reason for deviation) on the left side of such street when meeting any other vehicle, or on the right side of such street when passing any other vehicle; disregarding the rule of the road;

(*c*) leaves in any street insufficiently tended or secured any animal or vehicle; leaving cattle, &c., insufficiently tended;

(*d*) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the District; Causing obstruction or mischief by animals;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public; exposing animal for hire or sale, &c.

(*f*) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time, or contrary causing any obstruction in a street;

trary to any regulation made and published by the Magistrate of the District by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever causes obstruction ;

obstructing a footway ;

(*g*) causes obstruction on any footway, or danger, alarm or annoyance by driving, riding or leaving any animal or driving or drawing any vehicle thereupon or fastening any animal so that the same can stand across or upon such footway ;

exhibiting mimetic, musical or other performances, &c. ;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the District, any mimetic, musical or other performances of a nature to attract crowds or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned ;

gambling in a street ;

(*i*) assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering ;

doing offensive acts on or near public streets ;

(*j*) slaughters any animal, cleans a carcass or hide, obeys a call of nature, or causes a child to do so, or bathes or washes his person in or near to and within sight of a street (except in some place set apart for the purpose by order of the District Magistrate or of some other person having lawful authority in that behalf), so as to cause annoyance to the neighbouring residents or to passers-by ;

letting loose horses, &c., and suffering ferocious dogs to be at large ;

(*k*) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal ;

bathing or washing in places not set apart for those purposes ;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the District or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool,

pool, aqueduct, part of a river, stream, nála or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the District or other person having lawful authority in that behalf;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nála or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid; Defiling water in public wells &c.;

(*n*) obstructs or incommodes a person bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart; obstructing bathers;

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house; behaving indecently in public;

(*p*) is drunk and incapable of taking care of himself in a street or place of public resort; being drunk and incapable;

(*q*) wilfully pushes, presses, hustles or obstructs any passenger in a street, or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise disturbs the public peace or order; obstructing or annoying passengers in the streets;

(*r*) uses in any street any threatening, abusive or insulting words or behaviour, with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned; misbehaviour with intent to provoke a breach of the peace;

(*s*) begs importunately for alms or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street; begging and exposing offensive ailments.

shall be punished with fine which may extend to fifty rupees.

62.

Punishment for cruelty to animals.

62. (1) Whoever cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, overworked, ill-treated, or tortured any animal;

shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the First Class unless such Magistrate be specially invested with jurisdiction for that purpose by Government.

Penalty for vexatious search, arrest, &c., by the police.

63. Any police officer who:

(*a*) without lawful authority or reasonable cause, enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches or arrests any person; or

(*d*) offers any unwarrantable personal violence to any person in his custody;

(*e*) holds out any threat or promise not warranted by law to a person accused;

shall for every such offence be punished with imprisonment for a term not exceeding two months or with fine which may extend to five hundred rupees, or both.

Penalty for vexatious delay in forwarding a person arrested.

64. Any police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of

65. Whoever:

(*a*) contravenes any rule made under section 39, or

(*b*)

(*b*) opposes or fails to conform to any direction given by the police under section 53; rules under section 39 or of directions under section 53.

(*c*) abets the commission of any offence under clause (*a*) or (*b*);

shall be punished with fine which may extend to fifty rupees.

66. Whoever contravenes any rule made under section 40 or any condition of any license granted under the said rules shall be punished with fine which may extend to one hundred rupees. Penalty for contravening rules, &c., under section 40.

67. Whoever fails to comply with an order made under section 41 shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him. Penalty for failure to comply with order under section 41.

68. Whoever:

(*a*) disobeys an order lawfully made under section 42, 43 or 44; or Penalty for contravention of rules or directions under sections 42, 43, 44, 47 and 48.

(*b*) opposes or fails to conform to any direction given by the police under section 47; or

(*c*) opposes or disobeys any rule made or direction given by the police under section 48; or

(*d*) contravenes any condition of a license granted under clause (*b*) of the said section; or

(*e*) abets the commission of any offence under clause (*a*), (*b*), (*c*) or (*d*);

shall be punished with fine which may extend to two hundred rupees.

69. Whoever contravenes or abets the contravention of any regulation made under section 45 shall be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both. Penalty for contravention of a regulation made under section 45.

70. Whoever opposes or disobeys any direction given by a Magistrate of a District or a Sub-divisional Magistrate under section 46 or abets opposition to, or disobedience of, any such direction, shall be punished with imprisonment which may extend Penalty for contravention of direction given under section 46.

extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for opposing or not complying with direction given under section 54.

71. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police officer under section 54, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Jurisdiction when offender is a police officer above the rank of constable

72. Offences against this Act when the accused person or any one of the accused persons is a police officer above the rank of a constable, shall not be cognizable by a Magistrate below the Second Class.

Prosecution for certain offences against the Act to be in the discretion of the police.

73. It shall not, except in obedience to a rule or order made by Government or by the Magistrate of the District, be incumbent on the police to prosecute for an offence punishable under section 61, 62, 65, 67, 68, 69, or 70, when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Prosecution for offences under other enactments, not affected by the Act.

74. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of Section 403 of the Code of Criminal Procedure.

Act X of 1882.

CHAPTER VII—MISCELLANEOUS.

Disposal of rewards, &c., payable to police officers.

75. All sums paid for the service of process by police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police officers as informers, shall, except as hereinafter in this section provided, be credited to Government: Provided that, with the sanction of Government,

Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services be paid to a police officer or be divided amongst two or more police officers.

District Magistrate's authority over village police officers may be delegated to District Superintendent, and may be withdrawn.

76. Any Magistrate of a District may delegate to the District Superintendent any authority which such Magistrate himself possesses for police purposes over any village police officer, and may withdraw such authority.

No municipal or other rates to be payable by Government on police buildings.

77. (1) No municipal or other local rates shall be payable by Government on account of the occupation or use of any house or place by members of the police force for the convenient performance of their duties.

Municipalities may be required to provide accommodation for the police.

(2) It shall be the duty of a municipality within the limits of which a police force is stationed for the service of such municipality in preserving the peace, public order and safety and preventing crime, to provide on the requisition of Government such accommodation for the police so employed as shall be reasonably necessary or such portion thereof as to Government shall seem just and expedient.

Provision of such accommodation to be a purpose of the Bombay District Municipal Acts.

Bo. VI of 1873.
Bo. II of 1884.

(3) The provision of such accommodation or other fulfilment of the requirements of this section shall be deemed a purpose of the Bombay District Municipal Acts of 1873 and 1884.

78.

Method of proving orders and notifications issued under this Act

78. Any order or notification published or issued by Government or by a magistrate or officer under any provision of this Act, and the due publication and issue thereof may be proved by the production of a copy thereof in the *Bombay Government Gazette* or of a copy thereof signed by such magistrate or officer and by him certified to be a true copy of an original published and issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

79. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or publication or any irregularity of procedure.

No commissioner, magistrate or police officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

80. (1) No commissioner, magistrate or police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(2) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by Government or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

Suits or prosecutions in

(3) In any case of an alleged offence by a magistrate, police officer or other person, or of a wrong alleged

alleged to have been done by such magistrate, police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than six months after the date of the act complained of.

Respect of acts done under colour of duty as aforesaid not to be entertained or to be dismissed if not instituted within six months.

(4) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(5) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service and shall state whether any and if any what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Plaint to set forth service of notice and tender of amends.

81. (1) In the case of any rule or order made by Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to Government by a memorial given to a Secretary to Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

Person interested may apply to Government to annul, reverse, or alter any rule or order.

(2) After such an application as aforesaid and the rejection thereof wholly or in part, or after the lapse

When a suit shall lie to the

District Court to declare a rule or order unlawful.

lapse of four months without an answer to such application or a decision thereon published by Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against Government in the District Court of the District wherein the rule or order operates, for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by Government be annulled or reversed or so altered as to make it conformable to law.

Saving of certain Acts. Act III of 1888. Act XI of 1881.

82. Nothing in this Act shall affect any of the provisions of the Police Act, 1888, or of the Municipal Taxation Act, 1881.

SCHEDULE A.

(SEE SECTION 2.)

Enactments repealed.

Number and year of enactment.	Title or subject.	Extent of repeal.
Bombay Regulation No. XII of 1827.	For the establishment of a system of Police throughout the Bombay Presidency.	So much of clauses 1, 6, 7 and 8 of section 19 as has not already been repealed.
Acts of	*the Governor of Bombay*	*in Council.*
VII of 1867 ..	The Bombay District Police Act.	The whole Act, except sections 33 and 34.
III of 1886 ...	The Bombay General Clauses Act.	So much of schedule B as relates to clauses 1, 6, 7 and 8 of section 19 of Regulation XII of 1827 and to any section of Bombay Act VII of 1867, except section 34.

SCHEDULE

SCHEDULE B.

(SEE SECTION 11.)

Form of Certificate for Police Officer below the grade of Inspector.

A. B. has been appointed to the Police of the district of and is vested with the powers, functions and privileges of a Police Officer under the Bombay District Police Act, 1890.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Bombay Act No. V of 1890.

The Bombay Municipal Servants Act.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 15th January 1891.)

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere for the enforcement of regulations regarding certain classes of municipal servants whose functions intimately concern the public health or safety, and regarding the duties, withdrawal from duty, and leave of such servants; It is enacted as follows:—

Short title.

1. (1) This Act may be cited as "The Bombay Municipal Servants Act."

Commencement and extent.

(2) It shall come into force in the City of Bombay at once.

(3) The Governor in Council may, by notification, extend all or any of its provisions, on and after a day not less than two months after the date of such notification, to any municipal district in the Bombay Presidency.

He may also cancel or vary such notification consistently with the provisions of this Act.

Interpretation.

2. (1) Unless there be something repugnant in the subject or context, all words used in this Act shall have respectively the meanings assigned to them in the City of Bombay Municipal Act, 1888.

Act to be read with Municipal Acts in force.

(2) This Act shall, in so far as it affects the City of Bombay, be read with the City of Bombay Municipal Act, 1888, and, in so far as it affects any other part of the Presidency of Bombay, shall be read with the Bombay District Municipal Acts, 1873 and 1884.

3.

[*Price—Half Anna.*]

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Conditions as to resignation, withdrawal and absence from specified duties.

3. (1) Any municipal officer, servant or other person employed by or on behalf of the Corporation or a Municipality to perform any of the duties specified in the Schedule, who:

(*a*) without the written permission, in the City of Bombay of the Commissioner, or a person by him deputed in that behalf and elsewhere of the officer authorized by the Municipality to give such permission, resigns his office without at least two months' notice given in writing to the Commissioner or person by him deputed, or to such officer, or withdraws or absents himself from the duties thereof, except in case of illness or accident disqualifying him for the discharge of such duties or other reason accepted as sufficient by such Commissioner or person by him deputed, or such officer; or

Neglect or breach of duty.

(*b*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such municipal officer, servant or other person employed by or on behalf of the Corporation or a Municipality, it is his duty to observe or obey; or

(*c*) who abets an offence under clause (*a*) or clause (*b*);

shall be liable to forfeit his pay accruing due under a current term of service, and arrears of pay due for a term of not more than one month, and, in addition to such forfeiture and any other penalty which may be imposed on him under any enactment or rule for the time being in force, shall be liable, on conviction by a Magistrate, to imprisonment which may extend to three months, or to fine, or to both imprisonment and fine:

Provisoes.

Provided that if any such officer, servant or other person produces a certificate signed by the medical officer appointed in the City of Bombay by the Commissioner, and elsewhere by the Municipality in

e public health or safety, shall be deemed to be included in the Schedule to this Act, and from the date fixed on that behalf in such notification the provisions of section 3 shall apply to all persons employed by, or on behalf of, the Corporation or a Municipality to perform any duty of the class so specified in such notification.

(2) The Governor in Council may withdraw such notification and may from time to time cancel or vary the same consistently with the preceding clause and with the other provisions of this Act, and may also limit the operation of any notification to any Municipality or place wherein this Act is in operation.

6. Every person employed by or on behalf of the Corporation or a Municipality to perform any of the duties set forth in the Schedule, shall on entering the service, and every person now so employed shall forthwith, receive gratis, and shall at any time thereafter, on payment of one anna, be entitled to receive in the City of Bombay from the Municipal Commissioner for the City of Bombay, and elsewhere from the President of a Municipality, a copy of this Act and of the notifications issued thereunder, applicable to such person or to the class to which he belongs, in the English, Maráthi, Gujaráti, Canarese or Sindhi language.

SCHEDULE.

(Vide Section 3.)

Duties which render the provisions of section 3 applicable to the persons employed by, or on behalf of, the Corporation or a Municipality to perform them.

Class I.—Duties connected with the public health:

(*a*) Scavenging or cleansing streets or premises,

(*b*) cleansing or flushing drains,

(*c*) removing or disposing of excrementitious or polluted matter

in this behalf, of a present incapacity to perform duties which will probably endure for a month more, the necessary permission to resign shall forthwith be granted.

Provided further that no fee shall be taken from a person on account of such certificate as aforesaid or of examination in connection therewith.

(2) The provisions of clauses (*a*) and (*b*) of sub-section (1) shall not apply to persons at the date of the passing of this Act in the employment of the Corporation or of a Municipality until the lapse of two months from such date.

Power to dispense with two months' notice or with services after tender of resignation

4. (1) The Commissioner or officer authorized by the Municipality under section 3 (*a*), may:

(*a*) at his discretion, accept any resignation to take effect at a time less than two months from the date thereof or

(*b*) at any time after any municipal officer, servant or other person employed as aforesaid, has tendered his resignation, dispense with the services of such officer, servant or person.

(2) Any such officer, servant or other person whose services are dispensed with under sub-section 1, clause (*b*), shall, subject to any agreement in writing previously made between him and the Corporation or Municipality or its representative, be entitled, in addition to any wages which he may have earned at the date of tendering his resignation, to 15 days' wages or to wages for such period longer than 15 days, as his services may, after such tender of resignation, have been retained by the officer authorised in that behalf.

Power Gover in Cou to add Sched

5. (1) It shall be lawful for the Governor in Council on the request of the Corporation or of a Municipality from time to time, by notification, to declare that from a date to be fixed therein, which shall not be less than two months from the date thereof, any specified class of duties which concern

the